



**PUBLIC VERSION**

**Via Overnight Mail**

December 13, 2004

April Mulqueen, Esquire  
Assistant Director, Telecommunications Division  
Massachusetts Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> Floor  
Boston, MA 02110

**Re: Conversent's Request for Waiver of NANPA's Denial of Request for 1,000 Numbers (One One-Thousand Block) to Meet a Specific Customer Need, D.T.E. 01-33**

Dear Ms. Mulqueen:

Conversent Communications of Massachusetts, LLC ("Conversent") respectfully requests a waiver of the NANPA's (*i.e.*, "NeuStar" or "Pooling Administrator") decision to deny Conversent's request for a block of 1,000 numbers (one one-thousand block) in the form "NXX-**REDACTED**" in the Dedham rate center to meet the specific needs of a customer. Conversent takes such action pursuant to Federal Communications Commission ("FCC") rules, specifically 47 C.F.R. 52.15(g)(3)(iv).<sup>1</sup>

Conversent also requests that the Department instruct NeuStar to reserve one one-thousand block in the form NXX-**REDACTED** in the Dedham rate center pending consideration of this request. The customer wishes to complete its conversion to direct inward dialing by December 24, 2004. Reserving the block will facilitate accomplishing this.

**1. Background and Nature of the Numbering Request.**

A Conversent customer, **REDACTED**,<sup>2</sup> which is a professional services firm, is in the process of changing the way its clients interface with it in an effort to improve customer service. Currently, all calls to the firm are routed through a receptionist. The customer is implementing direct inward dialing (DID). It has requested that Conversent provide it with 100 consecutive numbers in the Dedham rate center, in the specific form NXX-**REDACTED**. The customer's PBX currently is programmed with "**REDACTED**" numbers for the extensions at the firm, and the firm desires that its DID numbers match its extensions. To reprogram the PBX would involve significant effort. See the letter from the customer dated December 7, 2004, attached to the proprietary version of this letter.

<sup>1</sup> This rule is quoted in relevant parts below.

<sup>2</sup> Conversent considers the customer's name and the specific block requested to be proprietary and trade secret information.

Conversent currently has only one thousand-number block in the Dedham rate center (781-493-6xxx). Accordingly, Conversent cannot accommodate the request from its current inventory.

On December 9, 2004, Conversent submitted electronically a "Part 1" form (attached to the proprietary version of this letter) to the Pool Administration System (PAS), NeuStar, requesting a block in the form NXX-**REDACTED** in the Dedham rate center. Conversent completed this application in accordance with the Industry Numbering Committee's Central Office Code (NXX) Guidelines and submitted the necessary Months to Exhaust and Utilization Certification Worksheet. Conversent requested the one-thousand block from NeuStar because it does not have a "**REDACTED**" block in its existing inventory in the Dedham rate center.

NeuStar denied Conversent's request because Conversent did not meet the Federal Communications Commission's ("FCC") utilization requirements. The denial of Conversent's request was based on NeuStar's understanding of the applicable FCC rules and related INC Guidelines. NeuStar denied the request on the ground that Conversent's existing thousand-block did not meet the 75 percent utilization level. *See* NeuStar's denial, attached to the proprietary version of this letter.

## **2. Request for Waiver of NANPA's NXX Code Denial.**

Conversent requests that the Department reverse NeuStar's decision and order that a one-thousand block in the form NXX-**REDACTED** be assigned to Conversent in the Dedham rate center.

In setting its policy for the assignment of telephone numbers, the FCC designated NANPA and the Pooling Administrator to handle numbering resource administration.<sup>3</sup> If the NANPA or Pooling Administrator decides to withhold numbering resources from a carrier, the FCC has specifically authorized state commissions to overturn those decisions for reasonable cause documented herein. That authority is specifically set out in the relevant FCC Rule, 47 C.F.R. § (g)(4), which states:

The NANPA shall withhold numbering resources from any U.S. carrier that fails to comply with the reporting and numbering resource application requirements established in this part. . . . The NANPA must notify the carrier in writing of its decision to withhold numbering resources within ten (10) days of receiving a request for numbering resources. The carrier may challenge the NANPA's decision to the appropriate state regulatory commission. The state commission may affirm, or may overturn, the NANPA's decision to withhold numbering

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<sup>3</sup> 47 C.F.R. § 52.15(a) states: "Central Office Code Administration shall be performed by the NANPA, or another entity or entities, as designated by the Commission." 47 C.F.R. § 52.20(d) states: "The Pooling Administrator shall be a non-governmental entity that is impartial and not aligned with any particular telecommunications industry segment, and shall comply with the same neutrality requirements that the NANPA is subject to under this part."

resources from the carrier based on its determination that the carrier has complied with the reporting and numbering resource application requirements herein. *The state commission also may overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.* (emphasis added)

In addition, the FCC through the INC Guidelines provides that appropriate regulatory authorities may review the Pooling Administrator's decision to deny a request for numbering resources.<sup>4</sup>

Regarding the substance of the numbering request at issue here, the request fits squarely within a permissible category for assignment of additional numbering resources. The FCC has clarified that numbers may be assigned to satisfy a specific customer request for a contiguous block of numbers:

[A] carrier should be able to get additional numbering resources when there is a verifiable need due to the carrier's inability to satisfy a specific customer request. We therefore clarify that states may also grant relief if a carrier demonstrates that it has received a customer request for numbering resources in a given rate center that it cannot meet with its current inventory. Carriers may demonstrate such a need by providing the state with documentation of the customer request and current proof of utilization in the rate center. States may not accommodate requests for specific numbers (i.e., vanity numbers), but *may grant requests for customers seeking contiguous blocks of numbers*. Any numbering resources granted for this reason may be initially activated only to serve the requesting customer for whom the application was made. If the customer request is withdrawn or declined, the requesting carrier must return the numbering resources to the NANPA or Pooling Administrator, and may not retain the numbering resources to serve other customers without first meeting our growth numbering resource requirements.<sup>5</sup>

All necessary elements are present to allow the Department to overrule NeuStar's denial. First, Conversent has demonstrated that it has received a customer request for numbering resources that it cannot meet with its current inventory. Second, Conversent has demonstrated need by documenting in writing that it has a customer request and has demonstrated proof of utilization. Third, Conversent made the appropriate application to NeuStar. Fourth, NeuStar denied Conversent's request for a one-thousand block in the Dedham rate center because Conversent's utilization of its numbers in this rate center did not hit the requisite percent.

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<sup>4</sup> See INC TBPAG Sections 3.7 and 12(c).

<sup>5</sup> *In the Matter of Numbering Resource Optimization*, CC Docket Nos. 99-200 and 96-98, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, FCC 01-362, ¶ 64 (Dec. 28, 2001) (emphasis added; footnote omitted), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-01-362A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-362A1.doc).

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FCC numbering policy is not intended to deny carriers the use of numbers for legitimate purposes such as this. In its December 2000 Numbering Resource Optimization Order, the FCC communicated the heart of its pro-competition policy when it stated:

[W]e continue to develop, adopt and implement a number of strategies to ensure that the numbering resources of the North American Numbering Plan (NANP) are used efficiently, and that all carriers have the numbering resources they need to compete in the rapidly expanding telecommunications marketplace.<sup>6</sup>

Accordingly, Conversent respectfully requests that the Department grant this waiver request on an expedited basis, and direct NeuStar to assign to Conversent the one-thousand block in order to meet the customer's requirements immediately.

Thank you for your assistance. Please do not hesitate to contact me (401-834-3326 direct dial, [gmkenan@conversent.com](mailto:gmkenan@conversent.com)) if you have any questions.

Very truly yours,



Gregory M. Kennan  
Director, Regulatory Affairs and Counsel

GMK/cw  
Enclosure

cc: Mary L. Cottrell, Secretary  
Michael Isenberg, Esq., Director, Telecommunications Director  
Paula Foley, Esq., Assistant General Counsel  
D.T.E. 01-33 Service List (Public Version)

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<sup>6</sup> *In the Matter of Numbering Resource Optimization, et al.*, CC Docket Nos. 99-200 and 96-98, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 89-200, FCC 00-429, ¶ 1 (rel. Dec. 29, 2000) (footnote omitted), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-00-429A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-00-429A1.doc).